

**REMARKS**

Claims 1-9 and 11-29 are pending in the present application. Of those, claims 1-3 and 8-9 are independent claims. Claims 1-9 and 11-18 are amended by this Response. Claim 10 is canceled by this Response. New claims 19-29 are added by this Response.

**Claim Rejections under 35 U.S.C. § 112, first paragraph**

Claims 4 and 5 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection.

Applicant respectfully submits that claims 4 and 5 are amended to include subject matter which complies with the enablement requirement of 35 U.S.C. § 112, first paragraph.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 112, first paragraph, be withdrawn.

**Claim Rejections under 35 U.S.C. § 112, second paragraph**

Claims 9-13 and 18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses this rejection.

The Examiner asserts claims 9-13 and 18 are drawn to an apparatus, but that the claims do not include any structural limitation of the apparatus. Applicant respectfully submits that claim 9 is amended to include structural limitations of the apparatus, and therefore, that claims 9-13 and 18 are definite.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1-3 and 6-18 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Yoshito et al. (Japanese Pat. Pub. No. 9-081938, herein Yoshito). Applicant respectfully traverses this rejection.

Yoshito teaches use of a wobbled pattern of pits, and discloses at paragraph [0063] and FIG. 5(c) that two or more displacement pit trains (discernment pit section) 41 are arranged on the same track. The wobbled patterns in Yoshito are more easily detected because the two or more displacement pit trains are recorded on the same track in preparation for a case in which the discernment pit section is impossible to read on account of disc defects. Accordingly, Yoshito fails to disclose “the wobbled pits are formed at least one of **intermittently** and **alternately** with the straight pits within the control data area” as required by claim 1.

Applicant respectfully submits that claim 1 is patentable for at least the above reasons. Applicant also submits that claims 2, 3, 8, and 9 contain features somewhat similar to those discussed above in regards to claim 1, and therefore, claims 2, 3, 8, and 9 are patentable for at least somewhat similar reasons as claim 1. Further, Applicant respectfully submits that claims 4-7 and 11-18, which depend from one of claims 1, 2, 3, 8, and 9, are patentable for at least the same reasons discussed above in regards to claims 1, 2, 3, 8, and 9 as well as on their own merits.

In view of the above, Applicant respectfully requests the rejections under 35 U.S.C. § 102(b) be withdrawn.

**New Claims**

Applicant respectfully submits that new claims 19-29, which depend from one of claims 1, 2, 3, 8, and 9, are patentable for at least the same reasons discussed above in regards to claims 1, 2, 3, 8, and 9 as well as on their own merits.

**CONCLUSION**

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$450.00 extension fee herewith.

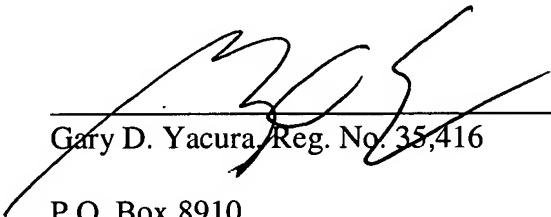
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

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